

sued in 1998 by the Department of Defense Panel to Study Military Justice in the National Guard not in Federal Service.

“(2) The Secretary shall ensure that adequate support for the preparation of the model State code of military justice and the model State manual for courts-martial (including the detailing of attorneys and other personnel) is provided by the General Counsel of the Department of Defense, the Secretary of the Army, the Secretary of the Air Force, and the Chief of the National Guard Bureau.

“(3) If the funds available to the Chief of the National Guard Bureau are insufficient for paying the cost of the National Guard Bureau support required under paragraph (2) (including increased costs of pay of members of the National Guard for additional active duty necessitated by such requirement and increased cost of detailed attorneys and other staff, allowances, and travel expenses related to such support), the Secretary shall, upon request made by the Chief of the Bureau, provide such additional funding as the Secretary determines necessary to satisfy the requirement for such support.

“(4) Not later than one year after the date of the enactment of this Act [Dec. 2, 2002], the Secretary shall submit a report on the actions taken to carry out this subsection to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. The report shall include proposals in final form of both the model State code of military justice and the model State manual for courts-martial required by paragraph (1), together with a discussion of the efforts being made to present those proposals to the States for their consideration for enactment or adoption, respectively.

“(5) In this subsection, the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.”

§ 328. Active Guard and Reserve duty: Governor’s authority

(a) **AUTHORITY.**—The Governor of a State or the Commonwealth of Puerto Rico, Guam, or the Virgin Islands, or the commanding general of the District of Columbia National Guard, as the case may be, with the consent of the Secretary concerned, may order a member of the National Guard to perform Active Guard and Reserve duty, as defined by section 101(d)(6) of title 10, pursuant to section 502(f) of this title.

(b) **DUTIES.**—A member of the National Guard performing duty under subsection (a) may perform the additional duties specified in section 502(f)(2) of this title to the extent that the performance of those duties does not interfere with the performance of the member’s primary Active Guard and Reserve duties of organizing, administering, recruiting, instructing, and training the reserve components.

(Added Pub. L. 109–364, div. A, title V, § 526(a), Oct. 17, 2006, 120 Stat. 2196.)

PRIOR PROVISIONS

A prior section 328, act Aug. 10, 1956, ch. 1041, 70A Stat. 608, related to special courts-martial of the National Guard not in Federal service, prior to repeal by Pub. L. 107–314, div. A, title V, § 512(c), Dec. 2, 2002, 116 Stat. 2537, applicable with respect to courts-martial convened after Dec. 2, 2002.

[§§ 329 to 333. Repealed. Pub. L. 107–314, div. A, title V, § 512(c)(1), Dec. 2, 2002, 116 Stat. 2537]

Section 329, act Aug. 10, 1956, ch. 1041, 70A Stat. 608, related to summary courts-martial of National Guard not in Federal service.

Section 330, act Aug. 10, 1956, ch. 1041, 70A Stat. 609, related to confinement instead of fine for a court-martial in the National Guard not in Federal service.

Section 331, acts Aug. 10, 1956, ch. 1041, 70A Stat. 609; Pub. L. 100–456, div. A, title XII, § 1234(b)(3), Sept. 29, 1988, 102 Stat. 2059, related to sentence of dismissal or dishonorable discharge in the National Guard not in Federal service.

Section 332, act Aug. 10, 1956, ch. 1041, 70A Stat. 609, authorized the president of a court-martial or a summary court officer to compel attendance of accused and witnesses in the National Guard not in Federal service.

Section 333, acts Aug. 10, 1956, ch. 1041, 70A Stat. 609; Pub. L. 100–456, div. A, title XII, § 1234(b)(1), Sept. 29, 1988, 102 Stat. 2059, related to execution of process and sentence of courts-martial in the National Guard not in Federal service.

EFFECTIVE DATE OF REPEAL

Pub. L. 107–314, div. A, title V, § 512(c)(2), Dec. 2, 2002, 116 Stat. 2537, provided that: “The provisions of law repealed by paragraph (1) [repealing sections 328 to 333 of this title] shall continue to apply with respect to courts-martial convened in the National Guard not in Federal service before the date of the enactment of this Act [Dec. 2, 2002].”

[§ 334. Repealed. Pub. L. 97–124, § 3, Dec. 29, 1981, 95 Stat. 1666]

Section, added Pub. L. 94–464, § 2(b), Oct. 8, 1976, 90 Stat. 1986; amended Pub. L. 96–513, title V, § 515(3), Dec. 12, 1980, 94 Stat. 2937, provided for the payment of malpractice liability of National Guard Medical personnel. See sections 1089(a) of Title 10, Armed Forces, and 2671 of Title 28, Judiciary and Judicial Procedure.

AMENDMENT AFTER REPEAL

Pub. L. 97–258, § 3(h)(1), Sept. 13, 1982, 96 Stat. 1065, purported to substitute “section 1304 of title 31” for “section 1302 of the Act of July 27, 1956, (31 U.S.C. 724a)” in subsec. (a) of section 334 of this title, without reference to the earlier repeal of that section by Pub. L. 97–124, § 3, Dec. 29, 1981, 95 Stat. 1666.

EFFECTIVE DATE OF REPEAL

Repeal effective only with respect to claims arising on or after Dec. 29, 1981, see section 4 of Pub. L. 97–124, set out as an Effective Date of 1981 Amendment note under section 1089 of Title 10, Armed Forces.

[§ 335. Repealed. Pub. L. 98–525, title IV, § 414(b)(2)(A), Oct. 19, 1984, 98 Stat. 2519]

Section, added Pub. L. 98–94, title V, § 504(b)(1), Sept. 24, 1983, 97 Stat. 632, related to status of certain members of the National Guard performing full-time duty.

CHAPTER 5—TRAINING

Sec.	
501.	Training generally.
502.	Required drills and field exercises.
503.	Participation in field exercises.
504.	National Guard schools and small arms competitions.
505.	Army and Air Force schools and field exercises.
506.	Assignment and detail of members of Regular Army or Regular Air Force for instruction of National Guard.
507.	Instruction in firing; supply of ammunition.
508.	Assistance for certain youth and charitable organizations.
509.	National Guard Youth Challenge Program of opportunities for civilian youth.

AMENDMENTS

2004—Pub. L. 108–375, div. A, title V, § 594(b)(2), Oct. 28, 2004, 118 Stat. 1936, substituted “National Guard Youth Challenge” for “National Guard Challenge” in item 509.

1997—Pub. L. 105–85, div. A, title X, §1076(b), Nov. 18, 1997, 111 Stat. 1914, added item 509.

1994—Pub. L. 103–337, div. A, title III, §385(b), Oct. 5, 1994, 108 Stat. 2742, added item 508.

§ 501. Training generally

(a) The discipline, including training, of the Army National Guard shall conform to that of the Army. The discipline, including training, of the Air National Guard shall conform to that of the Air Force.

(b) The training of the National Guard shall be conducted by the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands in conformity with this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 609; Pub. L. 100–456, div. A, title XII, §1234(b)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 109–163, div. A, title X, §1057(b)(7), Jan. 6, 2006, 119 Stat. 3442.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
501(a)	32:61 (1st 24 words).	June 3, 1916, ch. 134, §91,
501(b)	32:61 (less 1st 24 words).	39 Stat. 206.

In subsection (a), the words “that of” are substituted for the words “the system which is or may be prescribed for”. The word “Army” is substituted for the words “Regular Army”, since the Army is the category for which the discipline and training is prescribed and the Regular Army is a personnel category for which no discipline and training is prescribed. Similarly, the words “Air Force” are used instead of the words “Regular Air Force”.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–163 substituted “States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands” for “States and Territories, Puerto Rico, and the District of Columbia”.

1988—Subsec. (b). Pub. L. 100–456 struck out “the Canal Zone,” after “Puerto Rico,”.

DEMONSTRATION PROJECT TO INCREASE RESERVE COMPONENT INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES

Pub. L. 106–398, §1 [[div. A], title III, §390], Oct. 30, 2000, 114 Stat. 1654, 1654A–90, provided that:

“(a) AUTHORIZATION AND PURPOSE OF PROJECT.—The Secretary of the Army, acting through the Chief of the National Guard Bureau, may carry out a demonstration project in rural communities that are unserved or underserved by the telecommunications medium known as the Internet to provide or increase Internet access and services to units and members of the National Guard and other reserve components located in these communities.

“(b) PROJECT ELEMENTS.—In carrying out the demonstration project, the Secretary may—

“(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required for such classrooms; and

“(2) provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

“(c) REPORT.—Not later than February 1, 2005, the Secretary shall submit to Congress a report on the demonstration project. The report shall describe the activities conducted under the demonstration project and include any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.”

PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES

Pub. L. 102–484, div. A, title III, §376, Oct. 23, 1992, 106 Stat. 2385, as amended by Pub. L. 103–160, div. A, title III, §365, Nov. 30, 1993, 107 Stat. 1629; Pub. L. 103–337, div. A, title III, §384, Oct. 5, 1994, 108 Stat. 2741, provided that:

“(a) PILOT PROGRAM.—The Chief of the National Guard Bureau shall enter into an agreement, approved by the Secretary of Defense, with each of the Governors of one or more States to carry out a pilot program during fiscal years 1993, 1994, and 1995 to provide training and professional development opportunities for members of the National Guard through the provision of health care to residents of medically underserved communities in those States with the use of personnel and equipment of the National Guard.

“(b) FUNDING ASSISTANCE.—Amounts made available from Department of Defense accounts for operation and maintenance and for pay and allowances to carry out the pilot program shall be apportioned by the Chief of the National Guard Bureau among those States with which the Chief has entered into approved agreements. In addition to such amounts, the Chief of the National Guard Bureau may authorize any such State, in order to carry out the pilot program during a fiscal year, to use funds received as part of the operation and maintenance allotments and the pay and allowances allotments for the National Guard of the State for that fiscal year.

“(c) SUPPLIES AND EQUIPMENT.—(1) Funds made available from Department of Defense operation and maintenance accounts to carry out the pilot program may be used for the purchase of supplies and equipment necessary for the provision of health care under the pilot program.

“(2) In addition to supplies and equipment provided through the use of funds under paragraph (1), supplies and equipment described in such paragraph that are furnished by a State, a Federal agency, a private agency, or an individual may be used to carry out the pilot program.

“(d) MAINTENANCE OF EFFORT.—The Chief of the National Guard Bureau shall ensure that each agreement under subsection (a) provides that the provision of services under the pilot program will supplement and increase the level of services that would be provided with non-Federal funds in the absence of such services, and will in no event supplant services provided with non-Federal funds.

“(e) COORDINATION AMONG PROGRAMS.—In carrying out the pilot program under subsection (a), the Chief of the National Guard Bureau shall consult with the Secretary of Health and Human Services for the purpose of ensuring that the provision of services under the pilot program are not redundant with the services of programs of such Secretary.

“(f) SERVICE OF PARTICIPANTS.—Service in the pilot program by a member of the National Guard shall be considered training in the member’s Federal status as a member of the National Guard of a State under section 270 [see 10147] of title 10, United States Code, and section 502 of title 32, United States Code.

“(g) REPORT.—The Secretary of Defense shall, not later than January 1, 1995, submit to the Congress a report on the effectiveness of the pilot program and any recommendations with respect to the pilot program.

“(h) DEFINITIONS.—In this section:

“(1) The term ‘health care’ includes the following services:

“(A) Medical care services.

“(B) Dental care services.

“(C) Transportation, by air ambulance or other means, for medical reasons.

“(2) The term ‘Governor’, with respect to the District of Columbia, means the commanding general of the District of Columbia National Guard.

“(3) The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.”

NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES
PILOT PROGRAM

Pub. L. 104-106, div. A, title V, §573, Feb. 10, 1996, 110 Stat. 355, provided that:

“(a) **TERMINATION.**—The authority under subsection (a) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 32 U.S.C. 501 note) to carry out a pilot program under that section is hereby continued through the end of the 18-month period beginning on the date of the enactment of this Act [Feb. 10, 1996] and such authority shall terminate as of the end of that period.

“(b) **LIMITATION ON NUMBER OF PROGRAMS.**—During the period beginning on the date of the enactment of this Act and ending on the termination of the pilot program under subsection (a), the number of programs carried out under subsection (d) of that section as part of the pilot program may not exceed the number of such programs as of September 30, 1995.”

Pub. L. 102-484, div. A, title X, §1091, Oct. 23, 1992, 106 Stat. 2519, as amended by Pub. L. 103-82, title I, §104(e)(1)(A), (C), Sept. 21, 1993, 107 Stat. 846; Pub. L. 103-160, div. A, title XI, §1174, Nov. 30, 1993, 107 Stat. 1767; Pub. L. 103-382, title III, §391(o), Oct. 20, 1994, 108 Stat. 4024; Pub. L. 105-85, div. A, title X, §1073(d)(2)(B), Nov. 18, 1997, 111 Stat. 1905, provided that:

“(a) **PROGRAM AUTHORITY.**—During fiscal years 1993 through 1995, the Secretary of Defense, acting through the Chief of the National Guard Bureau, may conduct a pilot program to be known as the ‘National Guard Civilian Youth Opportunities Program’.

“(b) **PURPOSE.**—The purpose of the pilot program is to provide a basis for determining—

“(1) whether the life skills and employment potential of civilian youth who cease to attend secondary school before graduating can be significantly improved through military-based training, including supervised work experience in community service and conservation projects, provided by the National Guard; and

“(2) whether it is feasible and cost effective for the National Guard to provide military-based training to such youth for the purpose of achieving such improvements.

“(c) **CONDUCT OF THE PROGRAM.**—The Secretary of Defense may provide for the conduct of the pilot program in such States as the Secretary considers to be appropriate.

“(d) **PROGRAM AGREEMENTS.**—(1) To carry out the pilot program in a State, the Secretary of Defense shall enter into an agreement with the Governor of the State or, in the case of the District of Columbia, with the commanding general of the District of Columbia National Guard.

“(2) Each agreement under the pilot program shall provide for the Governor or, in the case of the District of Columbia, the commanding general to establish, organize, and administer a National Guard civilian youth opportunities program in the State.

“(3) The agreement may provide for the Secretary to provide funds to the State for civilian personnel costs attributable to the use of civilian employees of the National Guard in the conduct of the National Guard civilian youth opportunities program.

“(e) **PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.**—(1) A school dropout from secondary school shall be eligible to participate in a National Guard civilian youth opportunities program conducted under the pilot program.

“(2) The Secretary shall prescribe the standards and procedures for selecting participants for a National Guard civilian youth opportunities program from among school dropouts eligible to participate in the program.

“(f) **AUTHORIZED BENEFITS FOR PARTICIPANTS.**—(1) To the extent provided in an agreement entered into in accordance with subsection (d) and subject to the approval of the Secretary, a person selected for training in a National Guard civilian youth opportunities pro-

gram conducted under the pilot program may receive the following benefits in connection with that training:

“(A) Allowances for travel expenses, personal expenses, and other expenses.

“(B) Quarters.

“(C) Subsistence.

“(D) Transportation.

“(E) Equipment.

“(F) Clothing.

“(G) Recreational services and supplies.

“(H) Other services.

“(I) Subject to paragraph (2), a temporary stipend upon the successful completion of the training, as characterized in accordance with procedures provided in the agreement.

“(2) In the case of a person selected for training in a National Guard civilian youth opportunities program conducted under the pilot program who afterwards becomes a member of the Civilian Community Corps under subtitle E of title I of the National and Community Service Act of 1990 [42 U.S.C. 12611 et seq.] (as added by section 1092(a)), the person may not receive a temporary stipend under paragraph (1)(I) while the person is a member of that Corps. The person may receive the temporary stipend after completing service in the Corps unless the person elects to receive benefits provided under subsection (f) or (g) of section 158 of such Act [42 U.S.C. 12618(f), (g)].

“(g) **PROGRAM PERSONNEL.**—(1) Personnel of the National Guard of a State in which a National Guard civilian youth opportunities program is conducted under the pilot program may serve on full-time National Guard duty for the purpose of providing command, administrative, training, or supporting services for that program. For the performance of those services, any such personnel may be ordered to duty under section 502(f) of title 32, United States Code, for not longer than the period of the program.

“(2) For fiscal year 1993, personnel so serving may not be counted for the purposes of—

“(A) any provision of law limiting the number of personnel that may be serving on full-time active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components; or

“(B) section 524 [now 12011] of title 10, United States Code, relating to the number of reserve component officers who may be on active duty or full-time National Guard duty in certain grades.

“(3) A Governor participating in the pilot program and the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the pilot program) may procure by contract the temporary full-time services of such civilian personnel as may be necessary to augment National Guard personnel in carrying out a National Guard civilian youth opportunities program under the pilot program.

“(4) Civilian employees of the National Guard performing services for such a program and contractor personnel performing such services may be required, when appropriate to achieve a program objective, to be members of the National Guard and to wear the military uniform.

“(h) **EQUIPMENT AND FACILITIES.**—(1) Equipment and facilities of the National Guard, including military property of the United States issued to the National Guard, may be used in carrying out the pilot program.

“(2) Activities under the pilot program shall be considered noncombat activities of the National Guard for purposes of section 710 of title 32, United States Code.

“(i) **STATUS OF PARTICIPANTS.**—(1) A person receiving training under the pilot program shall be considered an employee of the United States for the purposes of the following provisions of law:

“(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation of Federal employees for work injuries).

“(B) Section 1346(b) and chapter 171 of title 28, United States Code, and any other provision of law

relating to the liability of the United States for tortious conduct of employees of the United States.

“(2) In the application of the provisions of law referred to in paragraph (1)(A) to a person referred to in paragraph (1)—

“(A) the person shall not be considered to be in the performance of duty while the person is not at the assigned location of training or other activity or duty authorized in accordance with a program agreement referred to in subsection (d), except when the person is traveling to or from that location or is on pass from that training or other activity or duty;

“(B) the person's monthly rate of pay shall be deemed to be the minimum rate of pay provided for grade GS-2 of the General Schedule under section 5332 of title 5, United States Code; and

“(C) the entitlement of a person to receive compensation for a disability shall begin on the day following the date on which the person's participation in the pilot program is terminated.

“(3) A person referred to in paragraph (1) may not be considered an employee of the United States for any purpose other than a purpose set forth in that paragraph.

“(j) SUPPLEMENTAL RESOURCES.—(1) To carry out a National Guard civilian youth opportunities program conducted under the pilot program, the Governor of a State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard may supplement any funding made available pursuant to subsection (m) out of other resources (including gifts) available to the Governor or the commanding general.

“(2) The provision of funds authorized to be appropriated for the pilot program shall not preclude a Governor participating in the pilot program, or the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the pilot program), from accepting, using, and disposing of gifts or donations of money, other property, or services for the pilot program.

“(k) REPORT.—(1) Within 90 days after the end of the one-year period beginning on the first day of the pilot program, the Secretary shall submit to the congressional defense committees a report on the design, conduct, and effectiveness of the pilot program during that one-year period. The report shall include an assessment of the matters set forth in paragraphs (1) and (2) of subsection (b).

“(2) In preparing the report required by paragraph (1), the Secretary shall coordinate with the Governor of each State in which a National Guard civilian youth opportunities program is carried out under the pilot program and, if such a program is carried out in the District of Columbia, with the commanding general of the District of Columbia National Guard.

“(l) DEFINITIONS.—In this section:

“(1) The term ‘pilot program’ means the National Guard Civilian Youth Opportunities Program authorized to be conducted under subsection (a).

“(2) The term ‘State’ includes the Commonwealth of Puerto Rico, the territories (as defined in section 101(1) of title 32, United States Code), and the District of Columbia.

“(3) The term ‘school dropout’ has the meaning established for the term by the Secretary of Education pursuant to section 6201(a) of the Elementary and Secondary Education Act of 1965 (as such section was in effect on October 19, 1994) (20 U.S.C. 3271(a)).

“(4) The term ‘full-time National Guard duty’ has the meaning given that term in section 101 of title 32, United States Code.

“(m) FUNDING.—Of the amounts appropriated for the Department of Defense for operation and maintenance in fiscal year 1993 pursuant to the authorization of appropriations in section 301 [106 Stat. 2360], \$50,000,000 shall be available to carry out the pilot program for fiscal year 1993.”

§ 502. Required drills and field exercises

(a) Under regulations to be prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be, each company, battery, squadron, and detachment of the National Guard, unless excused by the Secretary concerned, shall—

(1) assemble for drill and instruction, including indoor target practice, at least 48 times each year; and

(2) participate in training at encampments, maneuvers, outdoor target practice, or other exercises, at least 15 days each year.

However, no member of such unit who has served on active duty for one year or longer shall be required to participate in such training if the first day of such training period falls during the last one hundred and twenty days of his required membership in the National Guard.

(b) An assembly for drill and instruction may consist of a single ordered formation of a company, battery, squadron, or detachment, or, when authorized by the Secretary concerned, a series of ordered formations of parts of those organizations. However, to have a series of formations credited as an assembly for drill and instruction, all parts of the unit must be included in the series within 90 consecutive days.

(c) The total attendance at the series of formations constituting an assembly shall be counted as the attendance at that assembly for the required period. No member may be counted more than once or receive credit for more than one required period of attendance, regardless of the number of formations that he attends during the series constituting the assembly for the required period.

(d) No organization may receive credit for an assembly for drill or indoor target practice unless—

(1) the number of members present equals or exceeds the minimum number prescribed by the President;

(2) the period of military duty or instruction for which a member is credited is at least one and one-half hours; and

(3) the training is of the type prescribed by the Secretary concerned.

(e) An appropriately rated member of the National Guard who performs an aerial flight under competent orders may receive credit for attending drill for the purposes of this section, if the flight prevented him from attending a regularly scheduled drill.

(f)(1) Under regulations to be prescribed by the Secretary of the Army or Secretary of the Air Force, as the case may be, a member of the National Guard may—

(A) without his consent, but with the pay and allowances provided by law; or

(B) with his consent, either with or without pay and allowances;

be ordered to perform training or other duty in addition to that prescribed under subsection (a).

(2) The training or duty ordered to be performed under paragraph (1) may include the following:

(A) Support of operations or missions undertaken by the member's unit at the request of the President or Secretary of Defense.

(B) Support of training operations and training missions assigned in whole or in part to the National Guard by the Secretary concerned, but only to the extent that such training missions and training operations—

(i) are performed in the United States or the Commonwealth of Puerto Rico or possessions of the United States; and

(ii) are only to instruct active duty military, foreign military (under the same authorities and restrictions applicable to active duty troops), Department of Defense contractor personnel, or Department of Defense civilian employees.

(3) Duty without pay shall be considered for all purposes as if it were duty with pay.

(Aug. 10, 1956, ch. 1041, 70A Stat. 610; Pub. L. 88-621, §1(1), Oct. 3, 1964, 78 Stat. 999; Pub. L. 90-168, §4, Dec. 1, 1967, 81 Stat. 526; Pub. L. 92-156, title III, §303(b), Nov. 17, 1971, 85 Stat. 425; Pub. L. 103-160, div. A, title V, §524(b), Nov. 30, 1993, 107 Stat. 1657; Pub. L. 109-364, div. A, title V, §525(c), Oct. 17, 2006, 120 Stat. 2195.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
502(a)	32:62 (1st sentence, less proviso).	June 3, 1916, ch. 134, §92; restated June 3, 1924, ch. 244, §2; restated Oct. 14, 1940, ch. 875, §2, 54 Stat. 1135; Mar. 25, 1948, ch. 157, §5(a), 62 Stat. 90.
502(b)	32:62 (proviso of 1st sentence).	
502(c)	32:62 (last sentence, less 1st, 2d, and 3d provisos).	
502(d)	32:62 (1st proviso of last sentence).	
502(e)	32:62 (2d and 3d provisos of last sentence).	

In subsection (a), the words “including target practice” and “such company, troop, battery, or detachment shall have been * * * from participation in any part thereof” are omitted as surplusage.

In subsections (a) and (b), the word “troop” is omitted as obsolete.

In subsection (b), the words “parts of those organizations” are substituted for the words “subdivisions or parts thereof”. The words “but in the latter case”, “of subdivisions or groups”, “comprehend”, and “the time limit of” are omitted as surplusage.

In subsection (c), the word “member” is substituted for the words “officer, warrant officer, or enlisted man”. The words “series of formations” are substituted for the words “separate consecutive formations announced”. The words “regardless of the number of formations that he attends during the series” are substituted for the words “even though he may have attended more than one of the formations”. The words “sum”, “actual military”, and “of time” are omitted as surplusage. 32:62 (4th proviso of last sentence) is omitted as superseded by section 683 of title 10. 32:62 (last proviso of last sentence) is omitted as superseded by section 501(b) of the Career Compensation Act of 1949, 63 Stat. 826 (37 U.S.C. 301(b)).

In subsection (d), the word “members” is substituted for the words “officers and enlisted men”. The words “for which a member is credited” are substituted for the words “participated in by each officer and enlisted man at each assembly at which he shall be credited as having been present”. The words “for duty at such assembly”, “actual”, and “character of” are omitted as surplusage.

In subsection (e), the word “member” is substituted for the words “officer or enlisted man”. The words “Air Corps * * * assigned to an Air Corps unit thereof, or * * * an officer or enlisted man of the Medical Department of the said National Guard regularly attached to an Air Corps unit of the National Guard by appropriate

authority” are omitted, since the revised subsection applies only to members who perform flights under competent orders and who are thereby prevented from attending a regular drill.

AMENDMENTS

2006—Subsec. (f). Pub. L. 109-364 designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), struck out “Duty without pay shall be considered for all purposes as if it were duty with pay.” at end, and added pars. (2) and (3).

1993—Subsec. (b). Pub. L. 103-160 substituted “90 consecutive days” for “30 consecutive days” in second sentence.

1971—Subsec. (a). Pub. L. 92-156 inserted exception to training requirements where member served on active duty for one year or more if the training period falls during last one hundred and twenty days of required membership in National Guard.

1967—Subsec. (b). Pub. L. 90-168 substituted 30 consecutive days for seven consecutive days of the same calendar month as the time within which all parts of the unit must be included in a series of formations in order to be credited as an assembly for drill and instruction.

1964—Subsec. (f). Pub. L. 88-621 added subsec. (f).

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-168 effective first day of first calendar month following date of enactment of Pub. L. 90-168, which was approved Dec. 1, 1967, see section 7 of Pub. L. 90-168, set out as a note under section 138 of Title 10, Armed Forces.

§ 503. Participation in field exercises

(a)(1) Under such regulations as the President may prescribe, the Secretary of the Army and the Secretary of the Air Force, as the case may be, may provide for the participation of the National Guard in encampments, maneuvers, outdoor target practice, or other exercises for field or coast-defense instruction, independently of or in conjunction with the Army or the Air Force, or both.

(2) Paragraph (1) includes authority to provide for participation of the National Guard in conjunction with the Army or the Air Force, or both, in joint exercises for instruction to prepare the National Guard for response to civil emergencies and disasters.

(b) Amounts necessary for the pay, subsistence, transportation, and other proper expenses of any part of the National Guard of a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands participating in an exercise under subsection (a) may be set aside from funds allocated to it from appropriations for field or coast-defense instruction.

(c) Members of the National Guard participating in an exercise under subsection (a) may, after being mustered, be paid for the period beginning with the date of leaving home and ending with the date of return, as determined in advance. If otherwise correct, such a payment passes to the credit of the disbursing officer.

(Aug. 10, 1956, ch. 1041, 70A Stat. 610; Pub. L. 100-456, div. A, title XII, §1234(b)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 104-106, div. A, title V, §517, Feb. 10, 1996, 110 Stat. 309; Pub. L. 109-163, div. A, title X, §1057(b)(3), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
503(a)	32:63 (1st 56 words).	June 3, 1916, ch. 134, §§ 94
503(b)	32:63 (less 1st 56 words).	(less last 43 words after
503(c)	32:158.	semicolon), 98, 39 Stat. 206, 207.

In subsection (a), the words “the whole or any part” and “any part of” are omitted as surplusage. The word “Army” is substituted for the words “Regular Army”, since the Army is the category that participates in the exercises, and the Regular Army is a personnel category only. Similarly, the words “Air Force” are used instead of the words “Regular Air Force”.

In subsection (b), the words “Amounts necessary” are substituted for the words “such portion of said funds as may be necessary”. The words “participating in an exercise under subsection (a)” are substituted for the words “as shall participate in such encampments, maneuvers, or other exercises, including outdoor target practice, for field and coast-defense instruction”. The words “allocated to it from appropriations for field or coast-defense instruction” are substituted for the words “appropriated for that purpose and allocated to any State, Territory, or the District of Columbia”.

In subsection (c), the words “Members of the National Guard participating in an exercise under subsection (a)” are substituted for the words “When any portion of the National Guard shall participate in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, under the provisions of this title”. The words “duly”, “at any time”, “rendezvous”, “both dates inclusive”, and “making the same” are omitted as surplusage.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-163 substituted “State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands” for “State or Territory, Puerto Rico, or the District of Columbia”.

1996—Subsec. (a). Pub. L. 104-106 designated existing provisions as par. (1) and added par. (2).

1988—Subsec. (b). Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico,”.

§ 504. National Guard schools and small arms competitions

(a) Under regulations to be prescribed by the Secretary of the Army or Secretary of the Air Force, as the case may be, members of the National Guard may—

- (1) attend schools conducted by the Army or the Air Force, as appropriate;
- (2) conduct or attend schools conducted by the National Guard; or
- (3) participate in small arms competitions.

(b) Activities authorized under subsection (a) for members of the National Guard of a State or territory, Puerto Rico, or the District of Columbia may be held inside or outside its boundaries.

(Aug. 10, 1956, ch. 1041, 70A Stat. 611; Pub. L. 88-621, § 1(2), Oct. 3, 1964, 78 Stat. 999; Pub. L. 100-456, div. A, title XII, § 1234(b)(1), Sept. 29, 1988, 102 Stat. 2059.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
504(a)	32:64 (1st sentence).	June 3, 1916, ch. 134, § 97
504(b)	32:64 (less 1st sentence).	(less last sentence); re-stated May 28, 1926, ch. 417, § 2 (less last sentence), 44 Stat. 674.

In subsection (a), the word “members” is substituted for the words “officers, warrant officers, and enlisted men”. The words “for the purpose” and “for that purpose” are omitted as surplusage.

In subsection (b), the words “Assemblies under subsection (a)” are substituted for the words “such assemblies”. The words “for members of the National Guard of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia * * * inside or outside of its boundaries” are substituted for the words “either within or without the State, Territory, or District of Columbia, to which the members of the National Guard designated to attend them shall belong”.

AMENDMENTS

1988—Subsec. (b). Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico,”.

1964—Pub. L. 88-621 substituted provisions authorizing the Secretaries of the Army and of the Air Force to issue regulations, for provisions authorizing the President to issue regulations, and provided that members of the National Guard may conduct or attend schools conducted by the National Guard.

§ 505. Army and Air Force schools and field exercises

Under such regulations as the President may prescribe and upon the recommendation of the governor of any State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands or of the commanding general of the National Guard of the District of Columbia, the Secretary of the Army may authorize a limited number of members of its Army National Guard to—

- (1) attend any service school except the United States Military Academy, and to pursue a regular course of study at the school; or
- (2) be attached to an organization of the branch of the Army corresponding to the organization of the Army National Guard to which the member belongs, for routine practical instruction at or near an Army post during field training or other outdoor exercise.

Similarly, the Secretary of the Air Force may authorize a limited number of members of the Air National Guard to—

- (1) attend any service school except the United States Air Force Academy, and to pursue a regular course of study at the school; or
- (2) be attached to an organization of the Air Force corresponding to the organization of the Air National Guard to which the member belongs, for routine practical instruction at an air base during field training or other outdoor exercise.

(Aug. 10, 1956, ch. 1041, 70A Stat. 611; Pub. L. 100-456, div. A, title XII, § 1234(b)(4), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 109-163, div. A, title X, § 1057(b)(4), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
505	32:65.	June 3, 1916, ch. 134, § 99 (1st 133 words); re-stated Sept. 22, 1922, ch. 423, § 5 (1st 129 words); restated May 28, 1926, ch. 417, § 3 (1st 133 words), 44 Stat. 674.

The words “branch of the Army corresponding” are substituted for the words “same arm, corps, or department”, to conform to sections 3063 and 3064 of title 10.

In the second sentence, the words “organization of the Air Force corresponding” are substituted for the words “same arm, corps, or department”, since the Air Force is not organized by statute into branches, arms, corps, or departments. The word “members” is substituted for the words “officers, warrant officers, and enlisted men”. The words “service school” are substituted for the words “military-service school of the United States”. Reference to the United States Air Force Academy is inserted to reflect its establishment by the Air Force Academy Act (63 Stat. 47).

AMENDMENTS

2006—Pub. L. 109-163 substituted “State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands” for “State or Territory or Puerto Rico” in introductory provisions.

1988—Pub. L. 100-456, which directed the substitution of “Territory or Puerto Rico” for “Territory, Puerto Rico, or the Canal Zone,” in subsec. (a), was executed to the introductory provisions of this section as the probable intent of Congress.

§ 506. Assignment and detail of members of Regular Army or Regular Air Force for instruction of National Guard

(a) The President shall assign for instruction of the National Guard such members of the Regular Army or the Regular Air Force as he considers necessary.

(b) The Secretary of the Army may detail members of the Regular Army to attend an encampment, maneuver, or other exercise, for field or coast-defense instruction of the Army National Guard. Similarly, the Secretary of the Air Force may detail members of the Regular Air Force to attend exercises for field or coast-defense instruction of the Air National Guard. Members so detailed shall instruct the members of the National Guard at the exercise, as directed by the Secretary concerned, or as requested by the governor or commanding officer of the National Guard there assembled.

(Aug. 10, 1956, ch. 1041, 70A Stat. 611.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
506(a)	32:66.	June 3, 1916, ch. 134, § 81 (1st sentence of 2d par., less 1st 7 words); added June 4, 1920, ch. 227, subch. I, § 44 (5th sentence, less 1st 6 words); restated Sept. 22, 1922 ch. 423, § 4 (6th sentence, less 1st 6 words); restated Feb. 28, 1925, ch. 371, § 3 (6th sentence, less 1st 6 words); restated June 15, 1933, ch. 87, § 16 (1st sentence of 2d par., less 1st 7 words), 48 Stat. 160.
506(b)	32:67.	June 3, 1916, ch. 134, § 96, 39 Stat. 207.

In subsection (a), the words “members of the Regular Army and the Regular Air Force” are substituted for the words “officers of the Regular Army” and “enlisted men of the Regular Army”.

In subsection (b), the words “members” is substituted for the words “officers and enlisted men”. The words “one or more”, “information”, and “encampment, maneuver, or other” are omitted as surplusage.

§ 507. Instruction in firing; supply of ammunition

Ammunition for instruction in firing and for target practice may be furnished, in such

amounts as may be prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be, to units of the National Guard encamped at a post, camp, or air base. The instruction shall be under the direction of a commissioned officer selected for that purpose by the proper military commander.

(Aug. 10, 1956, ch. 1041, 70A Stat. 612.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
507	32:71.	Jan. 21, 1903, ch. 196, § 21, 32 Stat. 779.

The words “post camp, or air base” are substituted for the words “military post or camp”. The words “such amounts” are omitted as surplusage. The words “National Guard” are substituted for the words “troops of the militia”, since the source statute historically applied only to the organized militia (see opinion of the Judge Advocate General of the Army (JAGA 1952/4374, 9 July 1952)). The word “commissioned” is inserted, since 32:71 historically applied only to commissioned officers (see opinion of the Judge Advocate General of the Army (JAGA 1953/4078, 6 May 1953)).

§ 508. Assistance for certain youth and charitable organizations

(a) AUTHORITY TO PROVIDE SERVICES.—Members and units of the National Guard may provide the services described in subsection (b) to an eligible organization in conjunction with training required under this chapter in any case in which—

(1) the provision of such services does not adversely affect the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

(2) the services to be provided are not commercially available, or any commercial entity that would otherwise provide such services has approved, in writing, the provision of such services by the National Guard;

(3) National Guard personnel will enhance their military skills as a result of providing such services; and

(4) the provision of the services will not result in a significant increase in the cost of the training.

(b) AUTHORIZED SERVICES.—The services authorized to be provided under subsection (a) are as follows:

(1) Ground transportation.

(2) Air transportation in support of Special Olympics.

(3) Administrative support services.

(4) Technical training services.

(5) Emergency medical assistance and services.

(6) Communications services.

(c) OTHER AUTHORIZED ASSISTANCE.—Facilities and equipment of the National Guard, including military property of the United States issued to the National Guard and General Services Administration vehicles leased to the National Guard, and General Services Administration vehicles leased to the Department of Defense, may be used in connection with providing services to any eligible organization under this section.

(d) **ELIGIBLE ORGANIZATIONS.**—The organizations eligible to receive services under this section are as follows:

- (1) The Boy Scouts of America.
- (2) The Girl Scouts of America.
- (3) The Boys Clubs of America.
- (4) The Girls Clubs of America.
- (5) The Young Men's Christian Association.
- (6) The Young Women's Christian Association.
- (7) The Civil Air Patrol.
- (8) The United States Olympic Committee.
- (9) The Special Olympics.
- (10) The Campfire Boys.
- (11) The Campfire Girls.
- (12) The 4-H Club.
- (13) The Police Athletic League.
- (14) Any other youth or charitable organization designated by the Secretary of Defense.

(Added Pub. L. 103-337, div. A, title III, §385(a), Oct. 5, 1994, 108 Stat. 2741.)

§ 509. National Guard Youth Challenge Program of opportunities for civilian youth

(a) **PROGRAM AUTHORITY AND PURPOSE.**—The Secretary of Defense may use the National Guard to conduct a civilian youth opportunities program, to be known as the "National Guard Youth Challenge Program", which shall consist of at least a 22-week residential program and a 12-month post-residential mentoring period. The Program shall seek to improve life skills and employment potential of participants by providing military-based training and supervised work experience, together with the core program components of assisting participants to receive a high school diploma or its equivalent, leadership development, promoting fellowship and community service, developing life coping skills and job skills, and improving physical fitness and health and hygiene.

(b) **CONDUCT OF THE PROGRAM.**—(1) The Secretary of Defense shall provide for the conduct of the Program in such States as the Secretary considers to be appropriate.

(2) The Secretary shall carry out the Program using—

(A) funds appropriated directly to the Secretary of Defense for the Program, except that the amount of funds appropriated directly to the Secretary and expended for the Program in fiscal year 2001 or 2002 may not exceed \$62,500,000; and

(B) nondefense funds made available or transferred to the Secretary of Defense by other Federal agencies to support the Program.

(3) Federal funds made available or transferred to the Secretary of Defense under paragraph (2)(B) by other Federal agencies to support the Program may be expended for the Program in excess of the fiscal year limitation specified in paragraph (2)(A).

(4) The Secretary of Defense shall remain the executive agent to carry out the Program regardless of the source of funds for the Program or any transfer of jurisdiction over the Program within the executive branch. As provided in subsection (a), the Secretary may use the National Guard to conduct the Program.

(c) **PROGRAM AGREEMENTS.**—(1) To carry out the Program in a State, the Secretary of Defense shall enter into an agreement with the Governor of the State or, in the case of the District of Columbia, with the commanding general of the District of Columbia National Guard, under which the Governor or the commanding general will establish, organize, and administer the Program in the State.

(2) The agreement may provide for the Secretary to provide funds to the State for civilian personnel costs attributable to the use of civilian employees of the National Guard in the conduct of the Program.

(d) **MATCHING FUNDS REQUIRED.**—(1) The amount of assistance provided by the Secretary of Defense to a State program of the Program for a fiscal year under this section may not exceed 75 percent of the costs of operating the State program during that fiscal year.

(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense.

(e) **PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.**—A school dropout from secondary school shall be eligible to participate in the Program. The Secretary of Defense shall prescribe the standards and procedures for selecting participants from among school dropouts.

(f) **AUTHORIZED BENEFITS FOR PARTICIPANTS.**—(1) To the extent provided in an agreement entered into in accordance with subsection (c) and subject to the approval of the Secretary of Defense, a person selected for training in the Program may receive the following benefits in connection with that training:

(A) Allowances for travel expenses, personal expenses, and other expenses.

(B) Quarters.

(C) Subsistence.

(D) Transportation.

(E) Equipment.

(F) Clothing.

(G) Recreational services and supplies.

(H) Other services.

(I) Subject to paragraph (2), a temporary stipend upon the successful completion of the training, as characterized in accordance with procedures provided in the agreement.

(2) In the case of a person selected for training in the Program who afterwards becomes a member of the Civilian Community Corps under subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12611 et seq.), the person may not receive a temporary stipend under paragraph (1)(I) while the person is a member of that Corps. The person may receive the temporary stipend after completing service in the Corps unless the person elects to receive benefits provided under subsection (f) or (g) of section 158 of such Act (42 U.S.C. 12618).

(g) **PROGRAM PERSONNEL.**—(1) Personnel of the National Guard of a State in which the Program is conducted may serve on full-time National Guard duty for the purpose of providing command, administrative, training, or supporting services for the Program. For the performance of those services, any such personnel may be ordered to duty under section 502(f) of this title for not longer than the period of the Program.

(2) A Governor participating in the Program and the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the Program) may procure by contract the temporary full time services of such civilian personnel as may be necessary to augment National Guard personnel in carrying out the Program in that State.

(3) Civilian employees of the National Guard performing services for the Program and contractor personnel performing such services may be required, when appropriate to achieve the purposes of the Program, to be members of the National Guard and to wear the military uniform.

(h) **EQUIPMENT AND FACILITIES.**—(1) Equipment and facilities of the National Guard, including military property of the United States issued to the National Guard, may be used in carrying out the Program.

(2) Activities under the Program shall be considered noncombat activities of the National Guard for purposes of section 710 of this title.

(i) **STATUS OF PARTICIPANTS.**—(1) A person receiving training under the Program shall be considered an employee of the United States for the purposes of the following provisions of law:

(A) Subchapter I of chapter 81 of title 5 (relating to compensation of Federal employees for work injuries).

(B) Section 1346(b) and chapter 171 of title 28 and any other provision of law relating to the liability of the United States for tortious conduct of employees of the United States.

(2) In the application of the provisions of law referred to in paragraph (1)(A) to a person referred to in paragraph (1)—

(A) the person shall not be considered to be in the performance of duty while the person is not at the assigned location of training or other activity or duty authorized in accordance with a Program agreement referred to in subsection (c), except when the person is traveling to or from that location or is on pass from that training or other activity or duty;

(B) the person's monthly rate of pay shall be deemed to be the minimum rate of pay provided for grade GS-2 of the General Schedule under section 5332 of title 5; and

(C) the entitlement of a person to receive compensation for a disability shall begin on the day following the date on which the person's participation in the Program is terminated.

(3) A person referred to in paragraph (1) may not be considered an employee of the United States for any purpose other than a purpose set forth in that paragraph.

(j) **SUPPLEMENTAL RESOURCES.**—To carry out the Program in a State, the Governor of the State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard may supplement funds made available under the Program out of other resources (including gifts) available to the Governor or the commanding general. The Governor or the commanding general may accept, use, and dispose of gifts or donations of money, other property, or services for the Program.

(k) **REPORT.**—Within 90 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress a report on the design, conduct, and effectiveness of the Program during the preceding fiscal year. In preparing the report, the Secretary shall coordinate with the Governor of each State in which the Program is carried out and, if the Program is carried out in the District of Columbia, with the commanding general of the District of Columbia National Guard.

(l) **DEFINITIONS.**—In this section:

(1) The term “State” includes the Commonwealth of Puerto Rico, the territories, and the District of Columbia.

(2) The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

(3) The term “Program” means the National Guard Youth Challenge Program carried out pursuant to this section.

(m) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations to carry out the Program. The regulations shall address at a minimum the following:

(1) The terms to be included in the Program agreements required by subsection (c).

(2) The qualifications for persons to participate in the Program, as required by subsection (e).

(3) The benefits authorized for Program participants, as required by subsection (f).

(4) The status of National Guard personnel assigned to duty in support of the Program under subsection (g).

(5) The conditions for the use of National Guard facilities and equipment to carry out the Program, as required by subsection (h).

(6) The status of Program participants, as described in subsection (i).

(7) The procedures to be used by the Secretary when communicating with States about the Program.

(Added Pub. L. 105-85, div. A, title X, §1076(a), Nov. 18, 1997, 111 Stat. 1911; amended Pub. L. 106-65, div. A, title V, §579, Oct. 5, 1999, 113 Stat. 631; Pub. L. 106-246, div. B, title I, §120, July 13, 2000, 114 Stat. 533; Pub. L. 106-398, §1 [div. A], title V, §577(a)-(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-140; Pub. L. 107-107, div. A, title V, §596(a), Dec. 28, 2001, 115 Stat. 1126; Pub. L. 107-314, div. A, title X, §1062(g)(1), Dec. 2, 2002, 116 Stat. 2651; Pub. L. 108-375, div. A, title V, §594(a), (b)(1), Oct. 28, 2004, 118 Stat. 1935, 1936; Pub. L. 110-417, [div. A], title V, §594(a), Oct. 14, 2008, 122 Stat. 4475; Pub. L. 111-84, div. A, title V, §593(a), Oct. 28, 2009, 123 Stat. 2337.)

REFERENCES IN TEXT

The National and Community Service Act of 1990, referred to in subsec. (f)(2), is Pub. L. 101-610, Nov. 16, 1990, 104 Stat. 3127, as amended. Subtitle E of title I of the Act is classified generally to division E (§12611 et seq.) of subchapter I of chapter 129 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of Title 42 and Tables.

AMENDMENTS

2009—Subsec. (d)(1). Pub. L. 111-84 substituted “75 percent of the costs” for “60 percent of the costs”.

2008—Subsec. (d). Pub. L. 110-417 amended subsec. (d) generally. Prior to amendment, text read as follows: “The amount of assistance provided under this section to a State program of the Program may not exceed—

“(1) for fiscal year 1998, 75 percent of the costs of operating the State program during that year;

“(2) for fiscal year 1999, 70 percent of the costs of operating the State program during that year;

“(3) for fiscal year 2000, 65 percent of the costs of operating the State program during that year; and

“(4) for fiscal year 2001 and each subsequent fiscal year, 60 percent of the costs of operating the State program during that year.”

2004—Pub. L. 108-375, § 594(b)(1), amended section catchline generally, substituting “National Guard Youth” for “National Guard”.

Subsec. (a). Pub. L. 108-375, § 594(a)(1), substituted “National Guard Youth Challenge Program” for “National Guard Challenge Program” the first place it appeared and “Program” for “National Guard Challenge Program” the second place it appeared.

Subsec. (b)(1). Pub. L. 108-375, § 594(a)(2), substituted “Program” for “National Guard Challenge Program”.

Subsec. (b)(2). Pub. L. 108-375, § 594(a)(2)(3), substituted “Program” for “National Guard Challenge Program” in introductory provisions and for “program” wherever appearing in subpars. (A) and (B).

Subsec. (b)(3). Pub. L. 108-375, § 594(a)(2)(3), substituted “Program” for “National Guard Challenge Program” before “may be expended” and for “program” before “in excess”.

Subsec. (b)(4). Pub. L. 108-375, § 594(a)(2), (3), substituted “Program” for “National Guard Challenge Program” before “regardless” in first sentence and for “program” before “or any transfer” and “within” in first sentence and before period at end in second sentence.

Subsecs. (c) to (f). Pub. L. 108-375, § 594(a)(2), substituted “Program” for “National Guard Challenge Program” wherever appearing in text.

Subsec. (g)(1). Pub. L. 108-375, § 594(a)(2), (3), substituted “Program” for “National Guard Challenge Program” before “is conducted” in first sentence and for “program” before period at end of first and second sentences.

Subsec. (g)(2). Pub. L. 108-375, § 594(a)(2), (3), substituted “Program” for “National Guard Challenge Program” after “Governor participating in the” and after “in carrying out the” and substituted “Program” for “program” after “National Guard is participating in the”.

Subsec. (g)(3). Pub. L. 108-375, § 594(a)(2), (3), substituted “Program” for “National Guard Challenge Program” after “performing services for the” and for “program” after “purposes of the”.

Subsecs. (h), (i)(1). Pub. L. 108-375, § 594(a)(2), substituted “Program” for “National Guard Challenge Program” wherever appearing.

Subsec. (i)(2)(A). Pub. L. 108-375, § 594(a)(3), substituted “Program” for “program”.

Subsec. (i)(2)(C). Pub. L. 108-375, § 594(a)(2), substituted “Program” for “National Guard Challenge Program”.

Subsec. (j). Pub. L. 108-375, § 594(a)(2), (3), substituted “Program” for “National Guard Challenge Program” after “To carry out the” in first sentence and before period at end of second sentence and substituted “Program” for “program” before “out of other resources” in first sentence.

Subsec. (k). Pub. L. 108-375, § 594(a)(2), (3), substituted “Program” for “National Guard Challenge Program” after “effectiveness of the” in first sentence and after “State in which the” in second sentence and substituted “Program” for “program” before “is carried out in the District of Columbia” in second sentence.

Subsec. (l)(3). Pub. L. 108-375, § 594(a)(4), added par. (3).

Subsec. (m). Pub. L. 108-375, § 594(a)(2), substituted “Program” for “National Guard Challenge Program” in introductory provisions.

Subsec. (m)(1) to (7). Pub. L. 108-375, § 594(a)(3), substituted “Program” for “program” wherever appearing.

2002—Subsec. (b). Pub. L. 107-314 amended Pub. L. 106-398, § 577(b)(2). See 2000 Amendment note below.

2001—Subsec. (b)(2)(A). Pub. L. 107-107, § 596(a)(1), substituted “in fiscal year 2001 or 2002” for “in a fiscal year”.

Subsec. (b)(4). Pub. L. 107-107, § 596(a)(2), added par. (4).

2000—Subsec. (a). Pub. L. 106-398, § 1 [[div. A], title V, § 577(a)], struck out “, acting through the Chief of the National Guard Bureau,” after “The Secretary of Defense”.

Subsec. (b). Pub. L. 106-398, § 1 [[div. A], title V, § 577(b)(1), (3)], inserted “(1)” before “The Secretary of Defense” and added pars. (2) and (3).

Pub. L. 106-398, § 1 [[div. A], title V, § 577(b)(2)], as amended by Pub. L. 107-314, struck out “, except that Department of Defense expenditures under the program may not exceed \$62,500,000 for any fiscal year” before period at end.

Pub. L. 106-246 substituted “Department of Defense” for “Federal”.

Subsec. (m). Pub. L. 106-398, § 1 [[div. A], title V, § 577(c)], added subsec. (m).

1999—Subsec. (a). Pub. L. 106-65, § 579(a), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of Defense, acting through the Chief of the National Guard Bureau, may conduct a National Guard civilian youth opportunities program (to be known as the ‘National Guard Challenge Program’) to use the National Guard to provide military-based training, including supervised work experience in community service and conservation projects, to civilian youth who cease to attend secondary school before graduating so as to improve the life skills and employment potential of such youth.”

Subsec. (b). Pub. L. 106-65, § 579(b), substituted “\$62,500,000” for “\$50,000,000”.

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. A, title V, § 593(b), Oct. 28, 2009, 123 Stat. 2337, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.”

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-417, [div. A], title V, § 594(b), Oct. 14, 2008, 122 Stat. 4475, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.”

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-314, div. A, title X, § 1062(g), Dec. 2, 2002, 116 Stat. 2651, provided that the amendment made by section 1062(g)(1) of Pub. L. 107-314 is effective as of Oct. 30, 2000, and as if included in Pub. L. 106-398 as enacted.

CHAPTER 7—SERVICE, SUPPLY, AND PROCUREMENT

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| Sec. | |
| 701. | Uniforms, arms, and equipment to be same as Army or Air Force. |
| 702. | Issue of supplies. |
| 703. | Purchases of supplies by States from Army or Air Force. |
| 704. | Accountability: relief from upon order to active duty. |
| 705. | Purchase of uniforms and equipment by officers of National Guard from Army or Air Force. |
| 706. | Return of arms and equipment upon relief from Federal service. |
| 707. | Use of public buildings for offices by instructors. |
| 708. | Property and fiscal officers. |
| 709. | Technicians: employment, use, status. |